



Hawaii Occupational Safety and Health Division (HIOSH)

Basic Tree Care Safety Workshop

Honolulu - February 29, 2012

Big Island – March 8, 2012

Maui – March 16, 2012

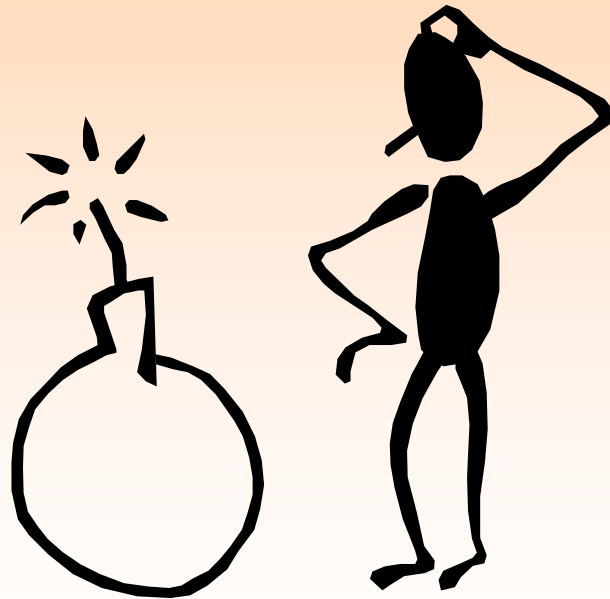
Kauai – March 23, 2012



OBJECTIVES

- UNDERSTAND HOW AN INSPECTION IS TRIGGERED
- BE FAMILIAR WITH THE INSPECTION PROCESS, INCLUDING HOW PENALTIES ARE DETERMINED
- KNOW YOUR STANDARDS
- IDENTIFY COMMON HAZARDS IN TREE CARE AND LANDSCAPING INDUSTRIES

Knowledge is Power !
You can make a difference in
your work place





What is HIOSH?

- **Hawaii Occupational Safety and Health Division**
 - Part of Department of Labor & Industrial Relations
- **OSHA Approved State Plan**
- **Mission: “Prevent Injuries, Save Lives”**

OSHA *VS.* HIOSH

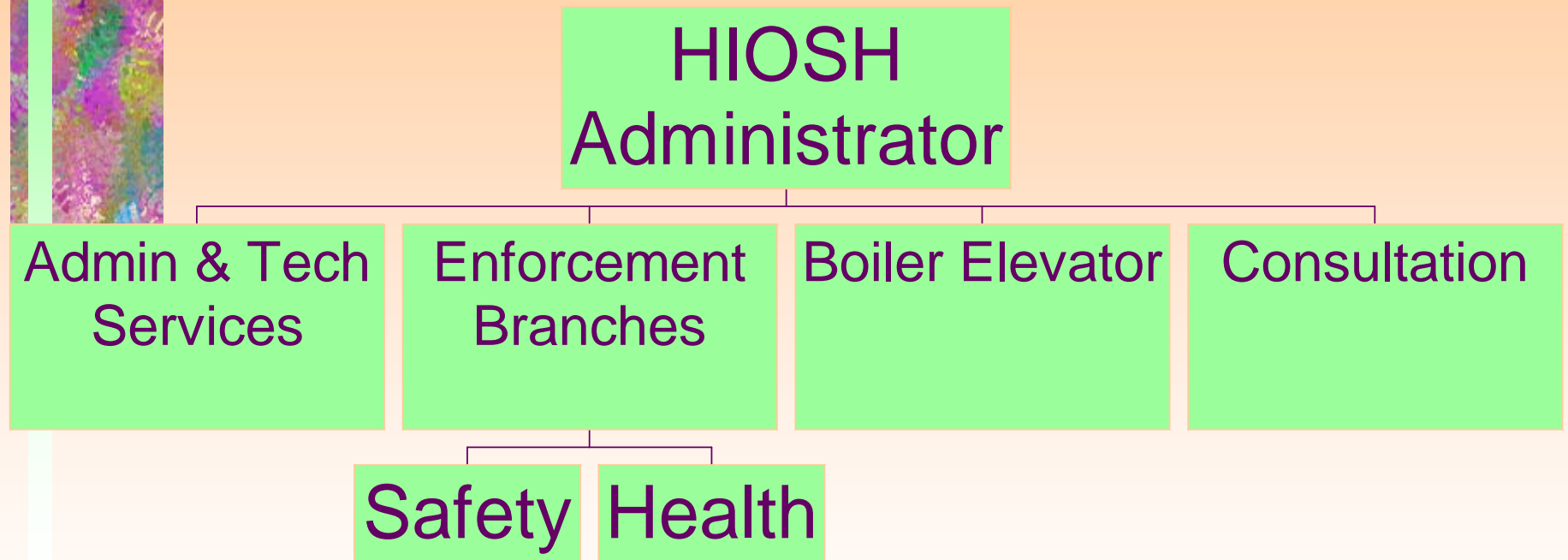


- **OSHA** -FEDERAL
ENFORCEMENT (FED.
EMPLOYEES)
- **HIOSH** -STATE
ENFORCEMENT &
CONSULTATION

HIOSH does:

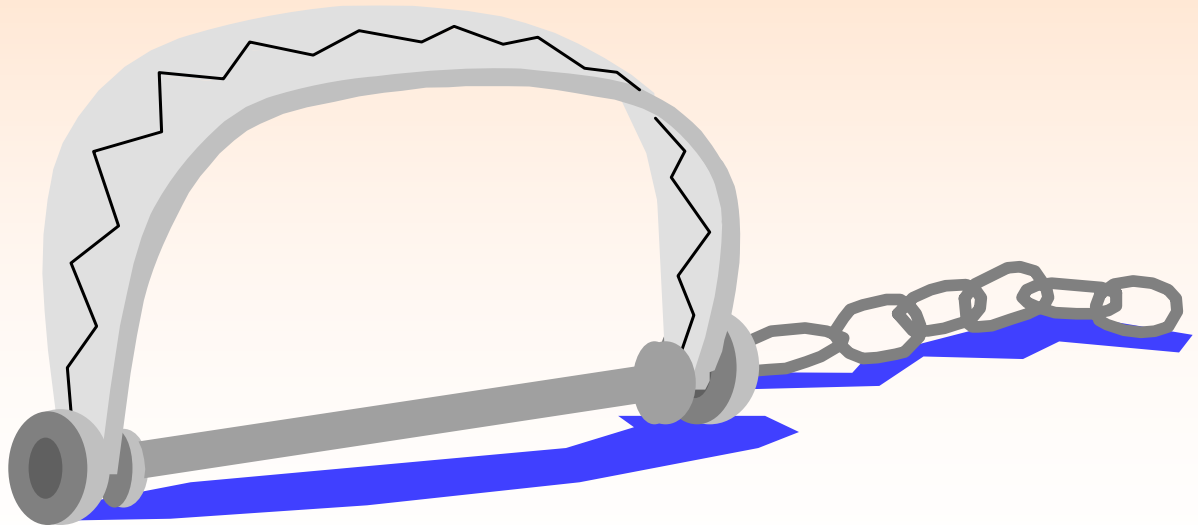
- **STANDARDS – Rules for Employers on **Minimum** Requirements for Safety and Health**
- **INSPECTIONS – Enforcement of Rules**
- **CONSULTATIONS - Free On-Site Audits of Workplaces**

HIOSH ORGANIZATION



ENFORCEMENT

- Unannounced
- First Instance
- Sanctions – if Serious





WHAT!!?!#!

Unannounced and Penalties:

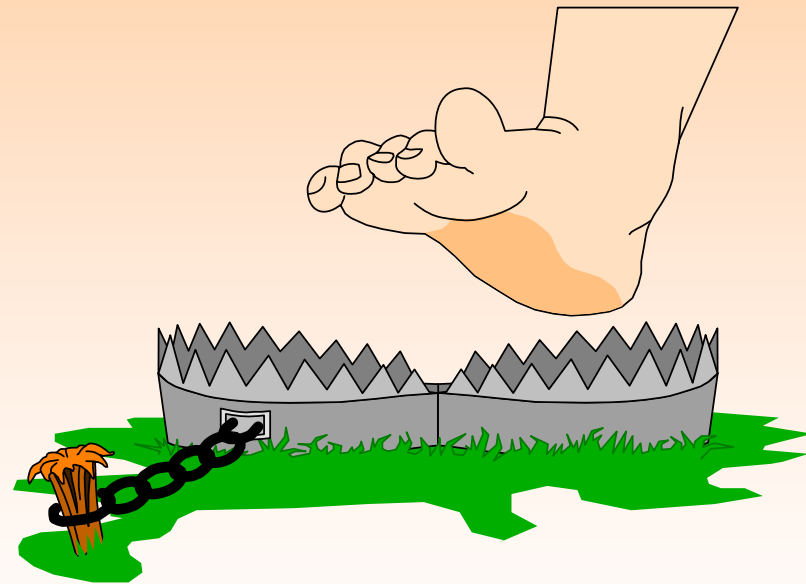
- **Required by federal law**
- **Required by State law**
- **Penalties are first – instance, even hazards are corrected immediately**

VIOLATIONS & MAXIMUM PENALTIES

- **Serious** **\$7,700**
- **Other than Serious** **\$7,700 (may)**
- **Failure to Abate** **\$ 7.7K for each day**
- **Posting** **\$7,700 (each violation]**
- **Willful or Repeat** **\$77K, Min5.5K**
- **Willful (Death)** **\$77K, 6Mos-1year(2nd]**
- **Discrimination** **\$1,100**
- **Advance Notice** **\$1,100, 6Mos**
- **False Statement** **\$11K, 6Mos**
- **Criminal Offense** **\$55K/10Yrs**

You are NOT Helpless

- Awareness
- Knowledge
- Action



Types of Inspections

- Fatalities/Accidents
- Complaints
- Programmed
 - Hazardous Industries
(Bureau of Labor Statistics)



Hazardous Industries

- **Special Trade Contractors**
- **FALLS**
- **Tree Care**
- **Accommodation**
- **Heavy Construction Contractors**
- **Schools**
- **Wholesale Distributors of Non-durable goods**
- **Healthcare**
- **Police**
- **Local Government**
- **State Government**

Inspection Procedures

- Opening Conference
- Walk around
- Closing Conference



Opening Conference

- Purpose
- Scope
- Rights Responsibilities
- Process
 - Review Records
 - Walkaround
 - Closing Conference



Walkaround

- ID Hazards
- Photograph/Video
- Interview Employees in Private
- Examine Records



Closing Conference



- Review and Discussion of Findings
- Recommendations
- Time to Correct
- Informal Conference
- Rights
- Responsibilities

Penalty Factors

- **GRAVITY**
- **SIZE**
- **GOOD FAITH**
- **HISTORY**



Penalties

- **Severity** - High, Medium, Low
- **Probability** - Greater, Lesser

Gravity-based Penalty

GBP

Severity

Probability

\$5,500

High

Greater

\$1,650

Low

Lesser

Penalty Reduction Factors

- Size -

1 to 25	60%
• 26 to 100	40%
• 101 to 250	20%
• 251 + 0	%
- Good Faith - Written S&H Prog. 25%
 - » Deficient S&H Prog. 15%
 - » No S&H Prog. 0%
- History - No Serious, Willful, Repeat Last 2 Years - 10%

What to do If Inspected



- **Inspection Book**
- **Take Notes**
- **Photograph**
- **Ask Questions**
- **Request informal Conference**




Hawaii Administrative Rules

12-60-2(a)(3) HAR states

“Every employer shall provide safe work places and practices by elimination or reduction of existing or potential hazards.

Elimination of existing or potential hazards by design, process substitution, or other appropriate methods is preferred because it eliminates the need for further employee protection.”



Employer's duties to provide a safe work place

- **Perform a Job Hazard Assessment
[Requirements of 29 CFR 1910.132]**
- **Identify hazards and provide
Personal Protective Equipment for
your employees**
- **If you have 25 + employees you
must have a written safety and
health program**



Job Hazard Analysis

Where do I begin?

- 1. Involve your employees.**
- 2. Review your accident history.**
- 3. Conduct a preliminary job review.**
- 4. List, rank, and set priorities for hazardous jobs.**
- 5. Outline the steps or tasks.**



How do I identify workplace hazards?

A job hazard analysis is an exercise in detective work. Your goal is to discover the following:

- What can go wrong?
- What are the consequences?
- How could it arise?
- What are other contributing factors?
- How likely is it that the hazard will occur?



Some Hazards of the Tree care/ landscaping Industries

- **Slip, trips, and Falls**
- **Electrical**
- **Cuts and Amputation**
- **Lifting and Awkward position**
- **Noise**
- **Pesticides and Chemicals**
- **Heat and cold Stress**



Know Your Standards

- Usually falls under the General Industry standard 29 CFR 1910 [Chapter 12-60-50(a), HAR]
- Chapter 396-8(e), Hawaii Revised Standards (HRS) – **Discrimination protection**
- Industry Std. - ANSI standards Z133.1
- Other State Labor Laws such as Civil Rights, wages and standards, unemployments, etc.
- Federal Laws

HAZARD RECONGNITION



- Recognizing hazards most frequently cited by OSHA & Hawaii Occupational Safety and Health (HIOSH)

Frequent Cited Oct. 2010-Sept. 2011

Standard	#Cited	#Insp	\$Penalty	Description
<u>Total</u>	603	230	1249144	
<u>19100132</u>	87	64	184165	General requirements.
<u>19100067</u>	86	72	200176	Vehicle-mounted elevating and rotating work platforms.
<u>19100133</u>	54	52	111832	Eye and face protection.
<u>5A0001</u>	51	46	223259	General Duties
<u>19101200</u>	48	23	18585	Hazard Communication.
<u>19100135</u>	30	29	83136	Head protection.
<u>19100095</u>	19	9	13118	Occupational noise exposure.
<u>19100266</u>	14	5	47012	Logging operations.
<u>19040039</u>	12	12	27200	Fatality, injuries not reported w/in 8 hrs
<u>19100023</u>	10	10	17268	Guarding floor and wall openings and holes.
<u>19100147</u>	10	6	14935	The control of hazardous energy (lockout/tagout).
<u>19100180</u>	10	5	16878	Crawler locomotive and truck cranes.



Tree Care Companies

- Tree care companies provide services such as pruning, chipping and removal, plant health care, cabling, bracing, transplanting, consulting, fertilization and lightning protection.
- Many hazards in the tree care industry are potentially fatal. Exposure to overhead power lines, falling branches and tools, and faulty safety equipment are just a few of the dangers.

Primary Hazards

Primary hazards

Solutions:

include:

- Struck by
- Cuts and amputations
- Eye damage
- Ear damage

- Use PPE (eg, hard hat)/know drop zone.
- Train safe chainsaw use and wear chaps.
- Wear safety goggles.
- Wear ear protection for chipping/chainsaw.

- Electrocution

- Comply with the 10-foot power line clearance rule (10 feet + 4 inches for every 10kV over 50 kV). Note: Other Minimum Approach Distances (MADs) may be applicable for trained employees as provided by [29 CFR 1910.269](#).

- Slips, trips and falls

- Use property tree tie-in.



Hawaii 8 hours Reporting rule

- **When you have a fatality**
- **3 or more people hospitalized**
- **25,000 dollars in property damage**

You Need to call HIOSH within 8 hours

HIOSH Accident Hot Line 808- 586-9102

Failed to make the call = \$5,500 in fines

Affirmative Defense

- **Employer has Burden of Proof**



Impossibility

Greater Hazard

Unpreventable

Employee Misconduct

How to Avoid Being Inspected

- **No Accidents**
- **No Complaints**
- **Low Hazard Industries**



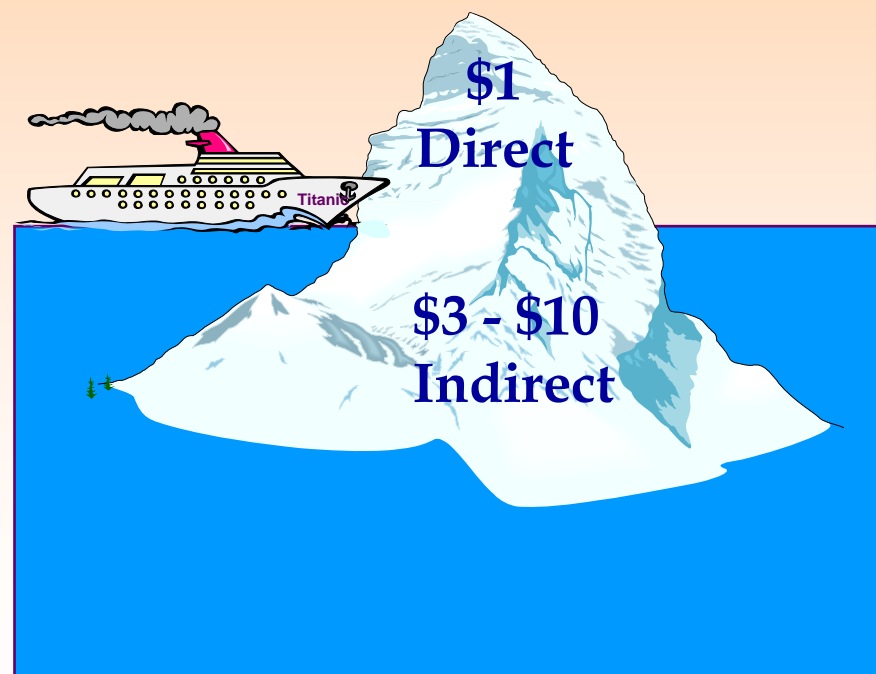


Effective Safety & Health Program

- **Reduces Accidents**
 - Injury Frequency and Severity
 - Costs
- **Improves working conditions**
 - Less Employee Complaints
- **Improves Business Bottom Line**

The Cost of Accidents

- **Direct Costs**
 - Medical costs
 - Compensation payments
 - Insurance Premiums
- **Indirect Costs**
 - Lost time by others
 - Hiring/training a replacement
 - Property damage
 - Overtime
 - Investigation/report time
 - HIOSH Penalties



Workers' Compensation Cost

Hawaii Total WC Cost



Safety & Health

**“Control or Elimination
of Recognized Hazards**

- To Achieve an
Acceptable Level of
Risk”**





Elements of an Effective Program

- **Management Commitment**
- **Hazard Identification**
- **Hazard Correction and Control**
- **Employee Involvement**
- **Accountability and Authority**
- **Training**
- **Documentation**



Management Commitment

- **Leadership**
- **Resources**
- **Setting an Example**
- **Consistency of Message**



Hazard Identification

- **Injury/Illness logs**
- **Walk-through**
- **Research – Similar Industries, WC carrier**
- **Periodic Inspections**
- **Mechanism for Employees to Report**
- **Accident Investigation for Root Cause**



Hazard Correction and Control

- **Housekeeping**
- **Preventive Maintenance of Controls**
- **Supervisors recognize Safe and Unsafe Behaviors**
- **Emergency Plans**
- **Unsafe Conditions are tracked to ensure fix**



Employee Involvement

- **Effective Process in Place**
 - Meaningful involvement
 - Prompt feedback
- **In Inspections and Accident Investigation**
- **In Reporting Unsafe Conditions**
- **In Maintaining Control Equipment and Procedures**



Accountability & Authority

- **Assignment of Responsibility**
- **Appropriate Authority**
- **Resources**
- **Good work is Rewarded**



Training

- Of Line Employees
- Of Supervisors
- Initial
- When new hazard is introduced
- Specific to Jobsite
- Document
- Evaluate effectiveness



Document

- **Program**
- **Training**
- **Accident Investigations**
- **Change Analysis**
- **Periodic Inspections**
- **Program Review**



Revised HIOSH Standards

- **Effective February 13, 2012**
- **Incorporation of Federal Standards**
- **HIOSH Specific Standards**
- **Check it out on our Web Site**

www.hawaii.gov/labor/hiosh

www.hawaii.gov/labor/hiosh

Welcome to The Hawaii Occupational Safety and Health — Department of Labor and Industrial Relations - Windows Internet Explorer

http://hawaii.gov/labor/hiosh

File Edit View Favorites Tools Help

Occupational Safety & Health Homeland Security Information Establishment Search Page Critical Infrastructure Protection Suggested Sites

Welcome to The Hawaii Occupational Safety and Health

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Puna Lokahi, Working Together




ACCESSIBILITY HAWAII.GOV
Stay Connected to Your State Government

Home Divisions News Library FAQs Topics Index About Us Search Site

you are here: home → hiosh

Welcome to The Hawaii Occupational Safety and Health

**** SCAM ALERT **** The Hawaii Occupational Safety and Health Division (HIOSH) has received word that some employers are receiving calls from an individual purporting to be from HIOSH or OSHA Enforcement selling an OSHA Kit and poster for \$259 or so and asking for company name, contact info etc in order to invoice and send the materials. You should know that HIOSH enforcement does not contact employers to obtain information on who to contact, nor do we "sell" what we provide free of charge - HIOSH poster and compliance materials. While inspectors may call an employer following an inspection to request inspection related information, they always provide their name and contact number. If employers are in doubt about any calls, they may call us at 586-9110 to confirm if someone from HIOSH was trying to contact them.

Public Hearing 1/27/12	<ul style="list-style-type: none">Legal NoticePrelim RamseyerNew Chapter Ramseyer
	Are your workers using respirators correctly?
New!	HIOSH issues "Compliance Guideline for Residential Construction", STD 03-11-002, effective June 16, 2011.
Seminar 9/29/11	Seminar on "Asbestos and Lead in Construction: Make sure you know the difference between OSHA and EPA regulations, stay on top of compliance issues, learn practical solutions to comply with these complex laws and where to get help. Download flyer and registration form here
	HIOSH awards highest safety honor to Monsanto-Molokai. On Wednesday, July 13, 2011, Deputy Director Audrey Hidano awarded the Hawaii VPP or Hana Po'okela... more
	The HIOSH Library's doors will be closing Friday, September 16, 2011. We apologize for the inconvenience but we have just been informed that we must vacate the space within the next month. All pickups for that week (September 12 to 16) are cancelled as we must begin moving by the following week to vacate the space in time. We urge you to contact your

HIOSH Links

- Find a Law
- Guidelines
- Forms
- Publications
- Reports
- Contact Information

New Resources

- For Workers
- For Employers
- Safety and Health

Quick Links

- About HIOSH
- Standards (Administrative Rules)
- Proposed Rules
- HIOSH Advisory Committee
- Developing Drug Free Workplaces
- Most Cited Standards
- Safety and Health Achievement Recognition Program (SHARP)
- Voluntary Protection Program (VPP)
- Other Safety & Health Web Links

Done

Internet | Protected Mode: On

1:16 PM 2/22/2012

Hawaii Administrative Rules

Standards (Administrative Rules) — Department of Labor and Industrial Relations - Windows Internet Explorer

http://hawaii.gov/labor/hiosh/hiosh-quick-links/adminrules2.shtml

File Edit View Favorites Tools Help

Occupational Safety & He... Homeland Security Infor... Establishment Search Page Critical Infrastructure Prot... Suggested Sites

Standards (Administrative Rules) — Department ...

Page Safety Tools

ACCESSIBILITY HAWAII.GOV

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Pana Lohale, Working Together

Home Divisions News Library FAQs Topics Index About Us

Search Site

you are here: home → hiosh → hiosh quick links → standards (administrative rules)

Standards (Administrative Rules)

Hawaii Occupational Safety and Health

Administrative Rules

- General, Legal and Administrative Provisions for Occupational Safety & Health (Title 12, Subtitle 8, Part 1)
- General Industry Standards (Title 12, Subtitle 8, Part 2)
- Construction Standards (Title 12, Subtitle 8, Part 3)
- Consultation Agreements (Title 12, Subtitle 8, Part 4)
- Shipyard (Title 12, Subtitle 8, Part 5)
- Marine Terminals (Title 12, Subtitle 8, Part 6)
- Longshoring (Title 12, Subtitle 8, Part 7)
- Health Standards (Title 12, Subtitle 8, Part 8)
- Boiler & Pressure Vessel (Title 12, Subtitle 8, Part 10)
- Elevators & Related Systems (Title 12, Subtitle 8, Part 11)

Most Cited Standards

- [Click here](#)

NEW! Proposed Rules and Legal Notices

- [Click here](#)

HIOSH Links

- Find a Law
- Guidelines
- Forms
- Publications
- Reports
- Contact Information

New Resources

- For Workers
- For Employers
- Safety and Health

Quick Links

- About HIOSH
- Standards (Administrative Rules)
- Proposed Rules
- HIOSH Advisory Committee
- Developing Drug Free Workplaces
- Most Cited Standards
- Safety and Health Achievement Recognition Program (SHARP)
- Voluntary Protection Program (VPP)
- Other Safety & Health Web Links

Internet | Protected Mode: On

1:22 PM 2/22/2012

WWW.OSHA.gov

Occupational Safety and Health Administration - Home - Windows Internet Explorer

http://www.osha.gov/

File Edit View Favorites Tools Help

Occupational Safety & Health Administration - ...

UNITED STATES DEPARTMENT OF LABOR

OSHA QuickTakes Newsletter RSS Feeds Print This Page Text Size

Occupational Safety & Health Administration We Can Help

Home Workers Regulations Enforcement Data & Statistics Training Publications Newsroom Small Business OSHA

Highlights

OSHA Form 304a Summary of Work-Related Injuries and Illnesses

Employers: Be sure to post injury and illness summaries from Feb. 1 - April 30, 2012

Form 300A | Recordkeeping

Top Links

See [press release](#) and [Web site](#) on formaldehyde exposure in salons

About OSHA
Assistant Secretary's Page
Complaints - How to File a Complaint
Compliance Assistance/Outreach
Construction
Contact Us
Cooperative Programs
Distracted Driving
Data & Statistics
Enforcement
Events
Picture It! Safe Workplaces for Everyone photo contest

Law and Regulations
Offices
Oil Spill Response 2010
On-Site Consultation (Free)
OSHA Advisory Committees
OSHA Poster
OSHA's 40 Years
Publications
Recordkeeping
Regulations
Safety/Health Topics Pages
Worker Entry into Grain Storage Bins
eTools

Latest News

February 22, 2012

- OSHA extends temporary enforcement measures in residential construction [2/15/12]
- OSHA will hold meeting of the Maritime Advisory Committee for Occupational Safety and Health [2/3/12]
- New short videos from OSHA provide training to help inform workers on the proper use of respirators [1/31/12]
- OSHA and the American Pipeline Contractors Association renew Alliance to protect safety, health of workers in the pipeline industry [1/30/12]
- US Labor Department files complaint to require DeMoulas Super Markets to address hazards at Market Basket stores in Massachusetts and New Hampshire [1/18/12]
- OSHA orders AirTran Airways to reinstate pilot, pay more than \$1 million in back wages and damages [1/17/12]

More News
Subscribe to QuickTakes Newsletter

Worker Fatalities

12/6/2011 FL - Worker crushed when 3,000-pound commercial oven falls from manual forklift.

4,547 workers died on the job in 2010*

OSHA's Weekly Fatality Reports - through Dec. 31, 2011

"With every one of these fatalities, the lives of a worker's family members were shattered and forever changed. We can't forget that fact."
-Hilda Solis, Secretary of Labor

(*Latest BLS Census of Fatal Occupational Injuries)

Data & Statistics

- Commonly Used Statistics
- Chemical Exposure Health Data
- Inspection Data
- Employment Specific Injury & Illness Rates (OSHA Data Initiative)
- Worker Fatalities Reports
- Fatality and Catastrophe Investigation Summaries
- BLS Work Related Injury/Illness Statistics

Select a State GO

Find OSHA and State Plan Offices

In Demand

- Job Hazard Analysis
- Bloodborne Pathogens - 1910.1030
- Secondary Lead in Smelters eTool

http://www.osha.gov/#

Internet | Protected Mode: On

1:20 PM 2/22/2012

Are You Ready?

**Discuss with your
neighbor:**

**What one thing you can
do when you get back
to work?**



ACTION!

- **Write down what you agreed to do.**
- **Sign and date it.**
- **Take down the name and phone number of another in your group.**
- **Call them next week to let them know how you did.**



If You Need Assistance

- Request a free consultation from the HIOSH Consultation & Training Branch by calling 586-9100, or 586-9135.
- Ask your workers' compensation insurance carrier about their loss control services or if they can recommend a private consultant

Any Questions

